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EXAMINER				
JUNTIMA, NITTAYA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,782

Applicant(s)

CORTEZ ET AL.

Examiner

NITTAYA JUNTIMA

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the RCE filed on 1/26/2009.
2. Claims 1-11 are pending (claims 12-25 were cancelled).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, even though the list of steps is to be read in no particular order, note that “said network event” in the step of identifying refers to the network event in the step of receiving, the affected circuits in the step of grouping refers to the affected circuits in the step of identifying. Therefore, given the way claim 1 is drafted, one would have to read the steps in a sequential order as currently amended in claim 1, i.e., receiving, identifying, grouping, and bundling. Thus, claim 6 remains vague and indefinite because, based on the steps of claim 1, it is logically unclear how the steps of identifying and grouping which *depend* from the step of receiving can be performed *prior* to the step of receiving as claimed.

In addition, although the pre-calculation of affected circuits is supported by the specification, claims 1 and 6 are **two mutually exclusive embodiments** (i.e., claim 1 having the steps of identifying and grouping performed after the step of receiving, and claim 6 having the

steps of identifying and grouping performed prior to the step of receiving), they must be claimed independently.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-5 and 7-11** are rejected under 35 U.S.C. 102(e) as being anticipated by Doshi (US 2004/0008619 A1).

Regarding **claim 1**, as shown in Fig. 2, Doshi teaches a method of reducing signaling load in a communication network (network 100 in Fig. 1) having a plurality of switches (A-D, paragraph 004), said method comprising the steps of:

Receiving notification of a network event (connection requests, i.e., tear-down requests, for connections in node B associated with the path A-B-C) at a switch (node A) adjacent to a link (link A-B) associated with said network event (step 202, node A receives tear-down requests for connections in node B associated with the path A-B-C, paragraph 0027).

Identifying a plurality of circuits affected by said network event by said switch (node A identifies the connections to be torn down related to node B as stated in the received requests as it processes the requests, paragraphs 0027-0028).

Grouping affected circuits in accordance with one end-switch (node B) to which a plurality of signaling messages have to be sent by said switch (node A groups the connections on link 1 connecting node A to node B to which the connections requests/tear-down requests have to be sent as node A bundles the connections requests/tear-down requests to be sent to node B into a single message as indicated in step 204, paragraphs 0027-0028 and Fig. 1).

Bundling said plurality of signaling messages by said switch (in step 204, node A bundles the connections requests/tear-down requests to be sent to node B into a single message, paragraph 0028).

Regarding **claim 2**, Doshi also teaches e) forwarding said bundled signaling messages to one of said plurality of switches (in step 206, the bundled connections requests/tear-down requests in a single message are forwarded to node B, paragraph 0028).

Regarding **claim 3**, Doshi also teaches that wherein said forwarding step e) forwards said bundled signaling messages in at least one signaling packet (paragraph 0028).

Regarding **claim 4**, Doshi also teaches that wherein said forwarding step e) forwards said bundled signaling messages for circuits with a common end switch (node B, Fig. 1). See paragraph 0028.

Regarding **claim 5**, Doshi teaches that wherein said signaling messages are release message (tear-down requests, paragraph 0027).

Regarding **claim 7**, Doshi also teaches that wherein said forwarding step e) forwards said bundled signaling messages for circuits with a common end switch (node B) along a common path (link 1, Fig. 1), see paragraphs 0027-0028.

Claims 8, 9, and 10 are apparatus claims corresponding to method claims 1, 2, and 4, respectively, and are therefore rejected under the same reason set forth in the rejection of claims 1, 2, and 4, respectively with an addition of controller (inherent processor at node A for controlling and performing the method steps set forth in claims 1, 2, and 4, respectively).

Claim 11 is a computer-readable medium corresponding to method claim 1 and is therefore rejected under the same reason set forth in the rejection of claim 1 (see also paragraph 0055).

Response to Arguments

6. Applicant's arguments filed on 1/26/2009 have been fully considered but they are not persuasive.

A. In the Remarks on page 5 regarding claim 6, the applicant argues that claim 6 as currently amended is supported by the specification and should overcome the rejection under 35 U.S.C. 112, second paragraph.

In response, the Examiner respectfully disagrees. The issue is not whether the amended claim 6 is supported by the specification, however, it is the way claims 1 and 6 are claimed. Note that given the way the current claim 1 is drafted, one would have to read the steps in a sequential order, i.e., receiving, identifying, grouping, and bundling, because “said network event” in the step of identifying of claim 1 **refers** to the network event recited in the step of receiving and the “affected circuits” in the step of grouping are the affected circuits in the step of identifying. Thus, this renders claim 6 vague and indefinite because, based on the order of the steps recited in claim 1 from which claim 6 depends, it is logically unclear how the steps of identifying and grouping, which *depend* from the step of receiving as recited in claim 1, can be performed *prior* to the step of receiving as recited in claim 6.

Since claims 1 and 6 are two mutually exclusive embodiments (i.e., claim 1 having the steps of identifying and grouping performed **after** the step of receiving, and claim 6 having the steps of identifying and grouping performed **prior to** the step of receiving), it is suggested that claim 1 and claim 6 be rewritten and claimed independently.

B. In the Remarks on pages 5-8 regarding claims 1, 8, and 11, the applicant argues that Doshi fails to teach receiving a notification of a network event at a switch adjacent to a link associated with said network event and identifying, grouping and bundling by said switch.

In response, the Examiner respectfully disagrees. It is submitted that Doshi teaches all limitations as claimed. As shown in Fig. 2, Doshi clearly teaches:

Receiving a notification of a network event (connection requests, i.e., tear-down requests, for connections in node B associated with the path A-B-C) **at a switch** (node A)

adjacent to a link (link A-B, Fig. 1) **associated with said network event** ("step 202 with Node A receiving two or more connection requests relating to connections in node B associated with the path (A ->B->C), where these connection requests may be any combination of connection set-up and connection tear-down requests, including all of one type," paragraph 0027). Identifying a plurality of circuits affected by said network event by said switch (node A identifies the connections to be torn down related to node B as stated in the received requests as it processes the requests, paragraphs 0027-0028).

Identifying a plurality of circuits affected by said network event by said switch (node A identifies the connections to be torn down related to node B as stated in the received requests as it processes the received requests, paragraphs 0027-0028).

Grouping affected circuits in accordance with one end-switch (node B) **to which a plurality of signaling messages have to be sent by said switch** (node A groups the connections on link 1 connecting node A to node B to which the connections requests/tear-down requests have to be sent as node A bundles the connections requests/tear-down requests to be sent to node B into a single message as indicated in step 204, paragraphs 0027-0028 and Fig. 1).

Bundling said plurality of signaling messages by said switch (in step 204, node A bundles the connections requests/tear-down requests to be sent to node B into a single message, paragraph 0028).

Note that the argument relating to Doshi's teaching in paragraphs 0030-0036 and Fig. 3 is irrelevant because they are related to the restoration process which are not relied upon in the rejection of claim 1.

Based on the above, it is respectfully submitted that the steps of receiving a notification of a network event at a switch adjacent to a link associated with said network event, and identifying, grouping and bundling by said switch are met by Doshi. Thus, the rejection is maintained.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NITTAYA JUNTIMA whose telephone number is (571)272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571.272.3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.